

KILLED IN RUSHING TORRENT OF TUNNEL

Two Workmen at Roosevelt Dam Victims of Accident Caused by Blunder in Turning on Water--One Will Survive

Carried on a rushing torrent of water through several hundred feet of rocky tunnel at the Roosevelt dam, A. H. Demrick, chief electrician of the construction outfit, was drowned Sunday morning.

John Harris, assistant engineer, was carried through the tortuous course of the tunnel, but by some miraculous turn of fate he escaped alive.

A misunderstanding regarding the opening of the gates of the dam is said to have been responsible for the accident.

Sunday morning, shortly before 9 o'clock, Demrick and Harris entered the tunnel which carried off the waste water from the big dam. One of the gates was not working properly and they intended to investigate the matter and make repairs, if any were necessary.

They had been in the tunnel but a short time when the water was turned on by one of the employees.

Rushing down upon the two men with a pressure of eighty pounds per square inch behind it, the water caught them like rats in a trap.

Buffeted against the sharp corners of the rocky wall, they were carried through 400 feet of tunnel and thrown into the river below.

Harris was the first to appear. One of the workmen saw him and wading into the shallow water rescued him before he sank the second time.

Weak and badly bruised, he was carried to land, and soon revived.

Demrick rose to the surface but once after he emerged from the tunnel into the river below.

The river was dragged for nearly an hour before he was discovered. Heroic attempts were made to resuscitate the man, but without avail.

Bruises about the head and face showed mutely how he had been dashed against the rocks of the tunnel. It is probable that one blow rendered him unconscious and prevented him from making any fight against the rushing torrent.

The exact details of the misunderstanding which resulted in Demrick's death have not been learned. It is reported, however, that the electrician spoke to the employee in charge of the gates, the night previous to the accident, telling him of the intention of entering the tunnel in the morning.

It is said that by opening one of the gates, the water would have passed on the opposite side of the tunnel than that which the men occupied.

It is supposed that the wrong gate was opened and the men inside the tunnel, little suspecting the fate that was in store for them, took no precaution to avoid the flow of water until it was too late.

Demrick was about 38 years of age and had been employed at the dam for some time. He has a brother, also an electrician, living in Phoenix.

The body will be taken to Phoenix, it is understood, to be buried by the brother of the dead man.

MOTHER GOES INSANE AND COMMITS TERRIBLE MURDER AND SUICIDE

STAFFORD SPRINGS, Conn., May 3.—Driven insane apparently by the sight of a memorial card which she had ordered for her daughter, who died a month ago, Mrs. Bernard Rister today bent C. F. Emory of Boston over the head with an axe, inflicting serious wounds; shot and killed her two-year-old son, Bernard, and then took her own life by sending a bullet through her heart. Emory had called to deliver the cards.

ADJUSTER ON WAY

FIRE LOSS OF OLD DOMINION COMMERCIAL CO. WILL BE QUICKLY SETTLED.

Indications favor a speedy adjustment of the losses occasioned by Saturday morning's fire at the Old Dominion store and there will probably be no great delay in settling up the losses.

A thorough investigation of the damage done by fire and water—more particularly the latter—shows that the loss will run very close to the original estimate—nearly \$35,000, according to A. T. Hammons, cashier. The employees are busily engaged in taking stock on the damaged goods.

The damage to the building will probably be adjusted at once. An adjuster is now on the way here and will be on hand to settle the stock loss in a few days.

WINTERGREEN WINS BIG KENTUCKY DERBY

LOUISVILLE, May 3.—Running strong and never in trouble at any point along the mile and a quarter journey, Wintergreen led a field of ten all the way around the famous Churchill Downs course in the thirty-fifth Kentucky derby today.

The winner, a big bright bay colt by Dick Welles, out of Winter, and owned by J. P. Respass, finished a length and a half in front of Miami, which was two lengths ahead of Dr. Barkley. The distance was covered in 2:08 1/5. The stake was worth \$20,000. Betting on the race in the Paris Mutual machines and in the auction pools was heavy.

NEW AMBASSADORS TO FOREIGN COUNTRIES

WASHINGTON, D. C., May 3.—Oscar Strauss, former secretary of commerce and labor, has been selected for ambassador to Turkey, and W. W. Rockhill, formerly assistant secretary of state and latterly minister to China.

BASEBALL

NATIONAL LEAGUE.
At Philadelphia—R. H. E.
Philadelphia 5 7 2
New York 1 3 2
Batteries: Coale and Dooin; Ames, Crandall and Schlei.
At Chicago—R. H. E.
Chicago 2 8 4
Pittsburgh 9 14 1
Batteries: Coakler, Frazier, Pfeister and Moran and Archer; Willis and Gibson.

AMERICAN LEAGUE.
At St. Louis—R. H. E.
Cincinnati 3 4 2
St. Louis 5 10 1
Batteries: Fromme, Karger and McLean; Higginbotham and Phelps.
At Brooklyn—R. H. E.
Boston 9 14 4
Brooklyn 7 10 3
Batteries: Luckey, Mattern, Dornier and Graham; McIntyre, Pastorious and Marshall.

COAST LEAGUE.
At Los Angeles—R. H. E.
Los Angeles 3 4 2
Vernon 1 3 1
Batteries: Hosp, Orendorf; Breckenridge, Hogan and Kinkel.

FINAL DECISION ON COMMODITIES CLAUSE

UNITED STATES SUPREME COURT HOLDS UP CONSTITUTIONALITY OF LAW.

OPINION GIVEN UNANIMOUSLY

DECISION, HOWEVER, DOES NOT UPHOLD GOVERNMENT'S WIDE SCOPE OF CONSTRUCTION.

WASHINGTON, D. C., May 3.—That the commodities clause of the interstate commerce act of 1906, known as the Hepburn rate law, is constitutional, was in effect declared today by the supreme court of the United States.

The decision was announced by Justice White. The court reversed and remanded the decision of the United States circuit court, but the only directions were to enforce and apply statute as construed.

Briefly summarized, the decision of the supreme court in the commodities clause cases holds the law to be constitutional, but does not concede the contentions of the government as to its scope. Especial exception was taken as to the ownership of stock in a different corporation, which it was held did not constitute such ownership as would prohibit transportation under the terms of the law.

It was held that ownership of commodities also applied to the time of transportation. If before transporting it to the railroad has in good faith parted with a commodity it may carry it. The principal point of the decision was in relation to railroads holding the stock of subordinate companies, and on that important point the finding was favorable to the roads.

Justice Harlan dissented on the stock feature, but otherwise the decision was unanimous.

Analyzed, Justice White's decision is that congress did not transcend its constitutional authority in enacting the commodities provision, out it was held that the government construction of the provision had been entirely too comprehensive. As construed by the court, the sole object of the clause is to prevent carriers being associated in interest with the commodities transported at the time of transportation.

Summed up, the act only compels companies to disassociate themselves from the products they carry and the government contention that the law applies to the ownership of stock and prohibits the transportation of commodities simply because they had been purchased by a railroad company is untenable. The effect of the decision is favorable to the railroads and the government lost on practically all points except the sustaining of the principle involved.

AFFECTS MANY ROADS.

NEW YORK, May 3.—William O'Dike, Jr., general counsel for the Delaware and Hudson company, one of the defendants in the commodities case, said today:

"This decision allows the railroad companies to continue as now constituted—that is, those which do not own coal mines directly, but exercise control through a coal company and whose stock they own. The Reading Pennsylvania, and, in part, the Erie, Lehigh Valley and Jersey Central, as well as Ontario and Western, come within the interpretation of the court's decision. The Delaware and Hudson sells its coal in Pennsylvania and its status is not affected by today's decision."

VICTIM OF SLEEPING SICKNESS IN ST. LOUIS

ST. LOUIS, May 3.—George J. Owens is dead in the city hospital here of a malady diagnosed by physicians as the sleeping sickness. How the man contracted the disease in St. Louis is not known. He said he had never been in the tropics, to which the malady is peculiar, and the physicians can account for it only on the theory that he was bitten by some insect inoculated with the germs.

REFUGEES RESCUED FROM VILLAGE OF DEURTYOL

BEIRUT, May 3.—An American druggoman rescued sixty persons from Deurtyol and brought them to Alexandria today. Deurtyol, which has been besieged, will be able probably to hold out against the fanatics.

Advices are that 14,000 refugees in Adana have been transferred to the suburbs and that a relief corps is now combating an epidemic of small pox.

SENATOR BORAH SPEAKS IN FAVOR OF INHERITANCE TAX AND GRADUATED INCOME TAX

WASHINGTON, D. C., May 3.—During a speech on the income tax in the senate today, Mr. Borah referred to President Roosevelt as having shaped the destinies of the republican party, and said that without his leadership "his party would have gone out of business."

He added that "without continued adherence to these principles, the party will go out of power."

This statement was in connection with the discussion of Roosevelt's suggestion favoring a graduated inheritance and graduated income tax.

Borah also quoted Taft's speech, in which he spoke in favor of an income tax.

"Does the senator believe," Sutherland asked, "that President Taft believed in the constitutionality of the

income law—in other words, that he believed that the law pronounced unconstitutional by the supreme court was in fact constitutional?"

"I only know what he said to the American people when he was a candidate for president," responded the Idaho senator, "that he favored an income tax which could be drawn to be made constitutional. I am not willing to believe that the president believed in drawing an income tax law applicable to men toiling in professions and then in exempting the vast accumulated wealth of this nation from taxation."

Referring to Carnegie's statement that an income tax would encourage

perjury, Mr. Borah said: "Mr. Carnegie did not make the republican party, and I wish I were just as sure that the republican party did not make Carnegie."

COMPLAINT AGAINST CROOKED OFFICIAL CATTLE MAN ENTERED TELLS STORY OF TRAPPING

SHANLEY CATTLE COMPANY WANTS TO OUST GEORGE SHANLEY AS MANAGER.

ASK AN ACCOUNT OF DEALING

SHANLEY REFUSES TO RESIGN AS MANAGER OR ACCOUNT FOR CATTLE SOLD.

Alleging that George Shanley, as manager of the Shanley Cattle company has failed to account to the company for a large number of cattle sold by him and that he has refused to surrender his position as general manager in spite of the fact that a successor has been elected, suit has been filed against him by the Shanley Cattle company, asking for legal relief.

The complaint alleges that Shanley was elected to the position of general manager about a year ago and that at a special meeting held on the first of last March that this position was declared vacant and Mrs. Annie Shanley elected to fill the position, the defendant voting affirmatively at the election.

It is further claimed that during the time he held the position as general manager, Shanley sold 1000 head of cattle to O. D. Fuller of Los Angeles, at prices ranging from \$15 to \$21 per head, that he received the purchase price and has failed to give an accounting of moneys received for the sale of the cattle.

It is also claimed that on different occasions the defendant has sold to the firm of Shanley & Mounce, butchers, of which firm he was a member, large numbers of cattle and that he has so far refused to give an accounting in the matter.

Shanley, it is claimed, has refused to give up his position as general manager and is now attempting to sell cattle belonging to the company.

The plaintiff company asks that Shanley be cited to appear before the district court and made to give a full account of all his acts as general manager, that the company be given judgment for all money due and that an injunction be issued restraining the defendant from acting further as general manager.

Stoneman & Jacobs represent the plaintiff company.

SUED IN ENGLAND

SUIT FOR SMALL AMOUNT CITES DEFENDANT TO APPEAR IN CORNWALL.

Summons was served on Mary E. Hampton yesterday, directing her to appear before the court at Redruth, county of Cornwall, England, in answer to a civil suit for £19, 12s, 1d, amounting to about \$240.

The plaintiff in the action is William Phillips. The complaint alleges that within the past few years, the defendant has purchased from him a large quantity of seeds, fertilizer and other agricultural supplies, on which there is a balance due as sued for.

The defendant is directed to appear before the court on July 22. The suit is against the separate property of the defendant. The complaint states that a default will be taken for such amount as the court deems proper, if the defendant fails to appear.

WOULD INVESTIGATE FEDERAL COURT JUDGES

CHARGES RELATIVE TO TWO-CENT CASE MADE BY REPRESENTATIVE FROM MISSOURI.

USURPED LEGISLATIVE POWER

SAYS ONE JUDGE NEGLECTS DUTIES AND IS INSULTING TO ATTORNEYS.

WASHINGTON, D. C., May 3.—Making serious charges against Federal Judges John P. Phillips and Smith McPherson of the western district of Missouri, Representative Murphy of that state introduced a resolution today to investigate their conduct in the litigation between the state and railroad companies over the maximum freight law and to the Missouri two-cent passenger rate law.

The preamble of the Murphy resolution alleges that the two judges accompanied certain railroad attorneys on a fishing trip, on which occasion members of the party were arrested for violating the game laws of the state.

The resolution charges that Judge Phillips neglects his duty by continued absence from the bench and that when he does preside the court is in session only four hours each day. Mr. Murphy desires the general conduct of Judge Phillips investigated, contending that he is insulting to attorneys who are compelled to practice in his court and that he has at various times instructed the jury to bring in a certain verdict.

If the jurors bring in a different verdict, declares the resolution, Judge Phillips becomes insulting and charges that they have violated their oaths as jurors.

The resolution recites the various phases of the litigation, including a statement that the railroad companies refused to establish certain rates within the state of Missouri and violation of the state anti-trust laws. It is stated that the two judges rendered certain decisions which in effect usurped the powers of the legislature.

ATTORNEY ON TRIAL FOR KIDNAPPING EDITOR

JUDGE REFUSES TO ACCEPT BOND ON REQUEST OF DISTRICT ATTORNEY.

SAN FRANCISCO, May 3.—The trial of Luther Brown, an attorney, head of the detective department of the United Railroads, for the alleged kidnapping of Fremont O'Conor, managing editor of the Bulletin, on September 27, 1907, was begun in the superior court today, with Judge K. S. Mahon of Sutter county on the bench.

Six jurors were temporarily passed during the day and it is evident the impeachment of a jury will not be a lengthy process. Assistant District Attorney William Hoff Cook asked that Brown be ordered into custody at the county jail during the trial.

Judge Mahon consented and refused the offer of Attorney Bert Schlesinger of the defense to provide bail up to \$50,000. Judge Mahon stated that he made it a rule to comply with the request of the district attorney in matters of this kind. Cook later modified the request and Brown will be permitted to live in a hotel in charge of a deputy sheriff at the defendant's expense.

Feudist Released of Charge of Murder

JACKSON, Ky., May 3.—John Abner, charged with the assassination of James Cockrill here during the Breathitt feud regime, was acquitted today. This clears all dockets of the Breathitt feud cases in which Judge James Hargis, Ed Callahan, B. Fulton French and several others were accused and which resulted in the deaths of Dr. D. B. Cox, James Cockrill and James B. Marcum.

The case was tried before Judge Holt, a special judge appointed by Governor Wilson. Curtis Jett and John Smith were also charged with this murder and Jett confessed to firing the shots.

PARLIAMENT SENDS COMMISSION TO ADANA WILL NOT RENOUNCE ALLEGIANCE TO AUSTRIA

MONEY GIVEN TO RELIEVE DISTRESS IN DISTRICT OF DEVASTATION

CONSTANTINOPLE, May 3.—Following a stirring debate in which the late vali of Adana and the assistant minister of the interior were attacked as creatures of the Hamidian regime, the chamber of deputies adopted a resolution today that a parliamentary commission be dispatched to Adana to investigate the massacres and to organize a military court to court martial the guilty persons.

One hundred thousand dollars has been appropriated to relieve the distress in that district. The deputies have under consideration a proposal to pension the families of those killed or wounded in the recent fighting in Constantinople.

An imperial decree was read in the presence of the cabinet and other officials confirming the appointment of Tewfik Pasha as grand vizier, and Zia Eddin Effendi as sheik ul Islam. The decree briefly referred to the revolution and recent massacres and enjoined the universal observance of the constitution and Sheri laws.

Ali Ghalib Bey, public promoter of Saloniki, has been appointed minister of justice to succeed Hassan Fahmi Pasha.

WOOL MEN SEE TAFT CLAIM THEY CANNOT DO BUSINESS UNDER PROPOSED TARIFF BILL.

WASHINGTON, D. C., May 3.—George F. Walker of Cheyenne, Wyo., secretary of the National Wool Growers association, had an extended talk with President Taft today regarding the tariff bill. Walker stated the sheepmen cannot carry on a profitable business under less protection than provided by the Dingley tariff law. The Payne bill, passed by the house, retains the Dingley duty on first and second-class wool, but makes a reduction of about 25 per cent on third class wool. The Aldrich bill, now in the senate, repeals the Dingley duties all the way through and the wool men are anxious that it should be adhered to.

WEATHER BULLETIN.
WASHINGTON, D. C., May 3.—Forecast for Arizona: Fair Tuesday and Wednesday.